

Attachment A



Lara Hruska <lara@cedarlawpllc.com>

EDWA Civil Action No. 1:22-CV-3034-TOR; Brookelle & Cory Gunn Subpoenas

Chris Knoch <chris.knoch@smithmalek.com>
To: "lara@cedarlawpllc.com" <lara@cedarlawpllc.com>
Cc: Caitlin O'Brien <caitlin@smithmalek.com>

Fri, Apr 25, 2025 at 2:10 PM

Hello Ms. Hruska,

This firm represents Health West, Inc. ("Health West") and is in receipt of two subpoenas you issued to Health West providers Cory and Brookelle Gunn. The subpoenas command their in-person testimony in the US District Court for the Eastern District of Washington in Yakima, WA on May 5, 2025 in Civil Action No. 1:22-CV-3034-TOR. I called your office to discuss these subpoenas with you and to determine the scope of testimony that you are seeking from Cory and Brookelle but unfortunately was unable to reach you.

The Federal Rules of Civil Procedure (FRCP) provide that a subpoena can only command someone to testify in court if the trial is within 100 miles of where the person resides, is employed, or regularly transacts business in-person. FRCP 45(c)(1)(A). Here, Cory and Brookelle live and work in the Pocatello-Chubbock, Idaho area - approximately 565 miles from Yakima, WA. They also do not regularly transact business in-person there. Therefore, the subpoenas are unenforceable on those grounds.

The time and expense it would take for Cory and Brookelle to travel to Yakima also likely imposes an undue burden on them given the distance, expense, and the fact that they would be unable to see patients for at least 2-3 days in order to comply with the subpoenas. An undue hardship such as this may also be prohibited by the FRCP. FRCP 45(d)(3)(A)(iv).

Given these circumstances, I would like to discuss the possibility of withdrawing these subpoenas to avoid the time and expense associated with quashing them. Please contact me at my office at 208-473-7009 at your earliest convenience.

Thank you,

--

Chris Knoch
Attorney

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